

DECLARATION

DOCKET INFORMATION
13493

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled UNIVERSAL CLEAT, the specification of which

CHECK ONE

- ☒ is attached hereto.
☐ was filed on _____ as
Application Serial No. _____
and was amended on _____
(if applicable)

I have read the applicable statutes and rules reprinted on the attached page of this declaration which I understand to describe subject matter which is material under 37 C.F.R. § 1.56(a).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Application Number	Country	Date of Filing	Priority Yes ✓	Claimed No ✓

I hereby claim the benefit under Title 35, United States § 119(e) of any United States provisional application(s) listed below.

Application Number	Date of Filing

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number	Date of Filing	Status - Patented, Pending, or Abandoned

APPLICABLE STATUTES & RULES

37 C.F.R. § 1.56 - DUTY OF DISCLOSURE; FRAUD; STRIKING OR REJECTION OF APPLICATIONS

(a) A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

Information relating to the following factual situations enumerated in 35 U.S.C. § 102 and § 103 should be considered material under 37 C.F.R. § 1.56(a):

A person shall be entitled to a patent unless --

(a) The invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or

(c) he has abandoned the invention, or

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or

(f) he did not himself invent the subject matter sought to be patented, or

(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

35 U.S.C. § 103 - CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

35 U.S.C. § 119 - BENEFIT OF EARLIER FILING DATE IN FOREIGN COUNTRY; RIGHT OF PRIORITY (Applicable Portion)

An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for a patent for the same invention in a foreign country which affords similar privileges shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed; but no patent shall be granted on any application for patent for an invention which has been patented or described in a printed publication in any country more than one year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than one year prior to such filing.

35 U.S.C. § 120 - BENEFIT OF EARLIER FILING DATE IN THE UNITED STATES

An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, by the same invention shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

35 U.S.C. § 112 - SPECIFICATION (Applicable Portion)

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Send Correspondence to: **SHELDON & MAK**
225 South Lake Avenue, Suite 900
Pasadena, California 91101

Direct Telephone Calls to:
Jeffrey G. Sheldon, Esq.
(818) 796-4000

201	FULL NAME FIRST Name OF INVENTOR Daniel		Middle Initial(s)	LAST Name Pellerin	
	RESIDENCE & City CITIZENSHIP Varenes, Quebec	State or Foreign Country Canada		Country of Citizenship Canada	
	POST OFFICE Post Office Address ADDRESS 210 Theodore Robitaille	City Varenes, Quebec	State or Country Canada	Zip Code J3X 0C5	

202	FULL NAME FIRST Name OF INVENTOR		Middle Initial(s)	LAST Name	
	RESIDENCE & City CITIZENSHIP	State or Foreign Country		Country of Citizenship	
	POST OFFICE Post Office Address ADDRESS	City	State or Country	Zip Code	

203	FULL NAME FIRST Name OF INVENTOR		Middle Initial(s)	LAST Name	
	RESIDENCE & City CITIZENSHIP	State or Foreign Country		Country of Citizenship	
	POST OFFICE Post Office Address ADDRESS	City	State or Country	Zip Code	

204	FULL NAME FIRST Name OF INVENTOR		Middle Initial(s)	LAST Name	
	RESIDENCE & City CITIZENSHIP	State or Foreign Country		Country of Citizenship	
	POST OFFICE Post Office Address ADDRESS	City	State or Country	Zip Code	

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Signature of Inventor 201	Daniel Pellerin
Date	JAN 11 2001

Signature of Inventor 202
Date

Signature of Inventor 203
Date

Signature of Inventor 204
Date

(Signatures should conform to names as presented at 201 *et seq.* above.)

01-08-2001 16:22 From-SHELDON & MAK

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T-860 P 021/023 F-349

POWER OF ATTORNEY

SHELDON & MAK
DOCKET INFORMATION
13493Ralph Libonati Co., owner(s) of the application for United States Letters Patent for an improvement in **UNIVERSAL CLEAT**, by Daniel Pellerin (inventor):a executed on 01/11/01, or
c having Serial No _____, filed _____

do(es) hereby appoint as attorneys of record with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, Jeffrey G. Sheldon, Reg. No. 27,853; Danton K. Mak, Reg. No. 31,695; Danton L. Anderson, Reg. No. 30,153; David A. Farah, Reg. No. 38,134; Stephen R. Seccombe, Reg. No. 31,136; Lena A. Basile, Reg. No. 44,026; Gary F. Wang, Reg. No. 44,392; Anthony G. Vella, Reg. No. 47,152; James W. Collett, Reg. No. 46,636; Robert J. Rose, Reg. No. 47,037; and Timothy P. Richardson, Reg. No. 28,805

Reg. No. _____

Send Correspondence to: **SHELDON & MAK**
225 South Lake Avenue, Suite 900
Pasadena, California 91101Direct Telephone Calls to:
Jeffrey G. Sheldon, Esq.
(626) 796-4000

I, the undersigned, declare that I am the (an) owner of the above-identified application or, if the owner is a corporation, partnership, or other association, I am authorized to make this appointment on behalf of the owner, and I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon

2 0 1	Full Name of Individual Owner
	Post Office Address
	Signature of Owner Date
2 0 2	Full Name of Individual Owner
	Post Office Address
	Signature of Owner Date
2 0 3	Full Name of Individual Owner
	Post Office Address
	Signature of Owner Date
2 0 4	Full Name of Declarant if owner is corporation, partnership, or association
	Stephen Libonati
	Title of Declarant
	President
	Address of Declarant 126 Washington Valley Road, Suite 2B, Warren, New Jersey 07059
Signature of Declarant Date <u>1/9/01</u>	

01-09-2001 16:22 From: SHELDON & MAK

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T-860 P 020/023 F-349

Applicant or Patentee: **Daniel Pellerin**
Serial or Patent No.: **N/A**
Filed or Issued: **Herewith**
For: **UNIVERSAL CLEAT**

Docket No. 13493

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. §§ 1.9 (f) and 1.27 (c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

☐ the owner of the small business concern identified below:☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: RALPH LIBONATI CO.
ADDRESS OF CONCERN: 125 Washington Valley Road, Suite 2B
Warren, New Jersey 07059

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.3-18, and reproduced in 37 CFR § 1.9 (d), for purposes of paying reduced fees under §§ 41 (a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal years of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **UNIVERSAL CLEAT** by inventor(s) Daniel Pellerin described in

☒ the specification filed herewith
☐ application Serial No. _____, Filed _____
☐ Patent No. _____, Issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR § 1.9 (d) or by any concern which would not qualify as a small business concern under 37 CFR § 1.9 (d) or a nonprofit organization under 37 CFR § 1.9 (e).

NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR § 1.27)

FULL NAME: _____
ADDRESS: _____
☐ Individual ☐ Small Business ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR § 1.28(b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Stephen Libonati
TITLE OF PERSON OTHER THAN OWNER President
ADDRESS OF PERSON SIGNING 125 Washington Valley Road, Suite 2B, Warren, New Jersey 07059

DATE OF SIGNATURE 1/9/01SIGNATURE 

Applicant or Patentee: **Daniel Pellerin**
 Serial or Patent No.: **N/A**
 Filed or Issued: **Herewith**
 For: **UNIVERSAL CLEAT**

Attorney Docket No.: 13493

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR §§ 1.9 (f) and 1.27 (b)] - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR § 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled UNIVERSAL CLEAT described in

[X] the specification filed herein.
 [] application Serial No. _____, Filed _____
 [] Patent No. _____, Issued _____

I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed, or am under an obligation under contract or law to assign, grant, convey or license any rights in the invention is listed below:

[] no such person, concern or organization
 [X] persons, concerns, or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. [37 CFR § 1.27]

FULL NAME: Ralph Libonati Co.

ADDRESS: 1525 Georgina Avenue, Santa Monica, California 90402
 [] Individual [X] Small Business [] Nonprofit Organization

FULL NAME: _____

ADDRESS: _____
 [] Individual [] Small Business [] Nonprofit Organization

FULL NAME: _____

ADDRESS: _____
 [] Individual [] Small Business [] Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR § 1.28(b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Daniel Pellerin
 (Name of inventor)


 (Signature of Inventor)

Jan 11 2001
 (Date of Signature)

 (Name of inventor)

 (Signature of Inventor)

 (Date of Signature)